

25 Years 24 strokes

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Man tries to retract his police statement but is convicted of raping stepdaughter

HE TOLD the police he did it.

He told a psychiatrist the same thing.

The 37-year-old IT specialist admitted to having had sex with his stepdaughter since she was 11, but that it had been consensual.

But when the case went to court, the Indian national changed his tune - insisting that there had been no sexual relations between them at all.

Yesterday, the High Court's decision was clear: He was guilty of all the charges brought against him for raping and having oral sex with the girl, now aged 14.

The Singapore permanent resident, who cannot be named to protect the girl's identity, was jailed for 25 years and ordered to be caned the maximum 24 strokes.

During final arguments yesterday, the constant refrain of the man, who defended himself during the eight-day trial, was: 'Where's the proof?'

Prosecutors pointed to five statements he gave to the police over a period of three weeks after his arrest last May in which he confessed to his crimes in lurid detail.

But he claimed he had given 'false statements' out of fear and to get the investigations over with, so that he could tell the truth when he got to court.

'In my fear and using my imagination, I gave such a story as I was told to do so,' he said.

The reasons for his fear: he said he had been handled roughly - one officer stared at him while another told him not to 'beat around the bush' - and he was badly treated by the police in India.

As for his interview with a psychiatrist who examined him, he claimed he had to stick to his fabricated story as he was still in fear.

The man said the prosecution had no 'concrete evidence' against him. 'I'm asking the prosecution, what proof do you have that I did it?'

He also complained that the police had not stopped his wife and stepdaughter, both key witnesses, from leaving for India last August.

He asserted that he had been set up by the two of them after his affair with a colleague came to light.

The prosecution viewed their disappearance differently - that his wife had taken the girl away to get her husband, whom she has apparently forgiven, off the hook.

The Interpol bureau in India has been asked to help find them, but there has been no news so far.

Deputy Public Prosecutor Amarjit Singh told the court that the police have no power to stop people who are not accused of a crime from leaving.

DPP Gordon Oh argued that the victim's absence is not a reason for acquittal. As the law stands, a person can be convicted on his police statements as long as the court is satisfied they were made voluntarily, he argued.

DPP Oh refuted the host of reasons given by the man to explain away the incriminating statements.

Given that the man had claimed he was angry with his wife and stepdaughter for making a false report, the DPP said that the man making things worse by confessing to the crimes 'defies logic'.

As a highly educated person - he has a master's degree - the man would have known the consequences of confessing to a serious charge such as rape, said DPP Oh.

He also noted that the accused had no credible explanation for why he admitted his acts to the psychiatrist either.

Justice Tay Yong Kwang questioned the prosecutors on their stand on whether the sexual acts were consensual.

DPP Singh replied that there was a 'certain degree of consent' but questioned if a child of that age was capable of giving consent.

Although the issue of consent is irrelevant in deciding guilt in statutory rape cases, it would have some bearing on whether the accused receives a heavier or lighter sentence.

Under the law, any person who has sex with a child below the age of 14 - with or without consent - is guilty of statutory rape.

In convicting the man of all 42 charges, which included statutory rape and oral sex, Justice Tay said the evidence as a whole left him with 'no reasonable doubt' that the accused was guilty.

Four friends of the man, including a former colleague and a neighbour, attended court, but declined to comment.

The man stayed calm on hearing the sentence.

His only question to the judge, through a Tamil interpreter, was: 'What should I do if I want to appeal?'